IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

Kevin Hoff,	)	
	)	
Plaintiff,	)	**ORDER OF DISMISSAL**
	)	
vs.	)	
	)	
Dave Krabbenhoft, et al.,	)	Case No. 1:23-cv-167
	)	
Defendants.	)	

Plaintiff is an inmate at the North Dakota State Penitentiary. He initiated the above captioned action pro se and in forma pauperis by Complaint in September 2023. (Doc. Nos. 1 and 8). He filed notice of his consent to magistrate judge jurisdiction on September 27, 2023. (Doc. No. 5).

The court screened Plaintiff's Complaint as required by 28 U.S.C. 1915A. It concluded that Plaintiff's claims for damages against Defendants in their official capacities were barred, Plaintiff's individual capacity claims against Defendants were subject to dismissal insofar as they appeared to be predicated on the doctrine of respondent superior, and Plaintiff had otherwise failed to state a cognizable claim of denial of court access. (Doc. No. 9). On July 2, 2024, it issued an order giving Plaintiff until July 26, 2024, to either file an Amended Complaint addressing his original Complaint's deficiencies or otherwise show cause why this action should not be dismissed. At the conclusion of this order, it advised Plaintiff that a failure on his part to comply with this directive could result in the summary dismissal of this action without further notice or opportunity to respond.

Plaintiff neither filed an Amended Complaint nor made an effort to show cause as directed by July 26, 2024. This action is therefore **DISMISSED** in its entirely for the reasons articulated by the court in its July 2, 2024, order. (Doc. No. 9).   Plaintiff is assessed a strike for purposes of the

Prison Litigation Reform Act ("PLRA"). See 28 U.S.C. § 1915(g); see also McCreary v. Cox, No. 07-11478, 2007 WL 2050268, at *1 (E.D. Mich. 2007) ("The Court may sua sponte raise the three strikes provision of the PLRA on its own initiative.").

IT IS ORDERED.

Dated this 31st day of July, 2024.

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/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court

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